

A Regular meeting of the Board of Selectmen was held on Tuesday, October 9, 2007 beginning at 7:30 p.m. in the Main meeting room of the town Hall. The following members were present.

Al DeNapoli, Chairman  
Chris Timson, Vice Chairman  
Michael F. Caron, Clerk (7:45 p.m.)  
Catherine Winston  
David Sullivan

Also present:  
James Johnson, Asst. Town Administrator

Mr. DeNapoli called the meeting to order at 7:35 p.m.

Employee of the Month: Kathy Hutchinson has done a great job collecting late fees and fines in the Animal Control office.

Dedication of Goetz Trail was read into the record. Mr. Goetz has been involved in the Trails Committee since its inception and they felt this would be a nice tribute to all his dedication.

Proclamations: Louis Hoegler and Al Goetz

#### 10-1 Recycling

Robin Chapell appeared before the Board to challenge everyone in Town to recycle more. In July the Board signed the campaign, to get the Town to recycle more paper. We are going to target the fourth grade classes. We want to tell everyone the types of paper they can recycle. Other than paper, people can recycle books, boxes, cardboard, colored paper, flyers, glossy paper, pizza boxes, shredded paper in paper bags, spiral notebooks and a lot more.

Mr. Caron arrived at 7:45 p.m.

She informed the Board that they are going to advertise. There is a great market for paper and cardboard.

#### 10-11 Banner Request, Rare Kids Inc

MOTION moved by Mr. Timson to approve the banner request for Rare Kids, Inc., seconded by Mr. Caron, VOTED 5-0-0

#### 10-12 Banner, Holly Berry Fair

MOTION moved by Mr. Timson to approve the banner request for the Holly Berry Fair, seconded by Mr. Caron, VOTED 5-0-0

#### 10-13 Church Mice Fair, Banner Request

MOTION moved by Mr. Timson to approve the banner request for the Church Mice Fair, seconded by Mr. Caron, VOTED 5-0-0

#### 10-14 Norfolk County Agricultural High School Craft Fair, Banner Request

MOTION moved by Mr. Timson to approve the banner request, for the Norfolk County Agricultural High School craft fair, seconded by Mr. Caron, VOTED 5-0-0

#### 10-15 Blessed Sacrament, Christmas Bazaar, Banner Request

MOTION moved by Mr. Timson to approve the request for the dates listed for the Blessed Sacrament Christmas Bazaar, seconded by Mr. Caron, VOTED 5-0-0

10-16 Nicole Patrice, A Frame

MOTION moved by Mr. Timson to approve the request for an A frame to be placed on the common, seconded by Mr. Caron, VOTED 5-0-0

10-29 Yard Sale ,Women's Club, A Frame

MOTION moved by Mr. Timson to approve the request for an A frame, seconded by Mr. Caron, VOTED 5-0-0

10-28 Sunday Entertainment License

MOTION moved by Mr. Timson to approve the Footlighters request for the Entertainment license, seconded by Mr. Caron, VOTED 5-0-0

10-31 Halloween Parade

MOTION moved by Mr. Timson to approve the request for the annual Halloween parade, seconded by Mr. Caron, VOTED 5-0-0

10-2 Bond Anticipation Note

Mr. Good appeared before the Board regarding the Bond Anticipate Note as the water department is ready to move on with the second part of the meter reading project and they are also going forward with the water disinfectant system. They went out for bids last week received three TD Banknorth was the low bidder. BAN is short term notes. We have very little out in terms of debt. Because this is so small we are not using Moody's for rating or an opinion from counsel. The proceeds from the issue will be used to meet ongoing project costs.

MOTION moved by Mr. Timson to approve the sale of \$687,500, 3.89 percent BAN number 1726 dated October 16, 2007 payable October 16, 2008 to TD Banknorth, N.A., Portland ME and to sign the Note number 1726 the Certificate of Town Clerk and the Certificate and Designation (Qualified Tax Exempt Obligation) seconded by Mr. Caron voted 5-0-0.

10-17 Historical commission, appointments

The Board received a request from Historical Commission seeking the Board's approval to return Mr. Robert Boyd to a Regular member and Helen Farinacci to an associate member.

MOTION moved by Mr. Timson to appoint Mr. Robert Boyd as a Regular member of the Historical Commission from an associate position and to appoint Mrs. Farinacci as an associate member as she is ready to step down from the Regular membership seat, seconded by Mr. Caron, VOTED 5-0-0

Ms. Winston noted that Helen Farinacci was gracious enough to step up to the plate and she is willing to step back down.

10-18 Resignation Patrick Devine, ZBA

MOTION moved by Mr. Timson to accept the resignation of Patrick Devine from the Zoning Board of Appeals, seconded by Mr. Caron, VOTED 5-0-0.

10-19 Promote James Stanton, ZBA Regular

As Mr. Devine has resigned his position as a Regular member of the ZBA, Mr. Stanton who is an associate member is asking to be promoted to the regular seat.

MOTION moved by Mr. Timson to appoint James Stanton as a Regular member to the Zoning Board of Appeals to fill the un expired term of Mr. Devine, seconded by Mr. Caron, VOTED 5-0-0.

10-20 Joint Bid Award of Bid Contract 2009-09

MOTION moved by Mr. Timson to award bid contract 2008-09 for joint bid with Medfield and various towns to American Rock Salt Co., LLC, Mt. Morris, NY for CC salt @ 50.20 per ton and to Eastern Minerals, inc., Lowell, Ma for Solar Salt @ 52.68 per ton, seconded by Mr. Caron, VOTED 5-0-0

10-19 Bid Award 2008-07, Remote video pipeline

MOTION moved by Mr. Timson to award bid contract 2008-07 to Aires Industries of Waukesha WI for remote video pipeline inspection, seconded by Mr. Caron, VOTED 5-0-0

10-20 Chapter 90, Reimbursement

Ms. Winston is going to abstain as she lives on Pine Street.

MOTION moved by Mr. Timson to approve the reimbursement request under chapter 90 of mass highway, seconded by Mr. Caron VOTED. 4-0-1 (CW abstained)

10-21 Library Project Designer

We were promised money from the state, last time I checked we were 23 on the list; this will be paid out of the gift account. Mr. Good explained that he had just received a check from the Library Director today I the amount of \$20,000.

MOTION moved by Mr. Timson to accept a gift in the amount of \$20,000 for the designer services, seconded by Mr. Caron, VOTED 5-0-0

MOTION moved by Mr. Timson that we approve the selection of Ladds & Bartels for the designer for the schematic design of the new library, seconded by Mr. Caron, VOTED 5-0-0

10-10 Historical Grant survey contract

Kathleen Kelly Broomer has been selected to undertake an intensive level communitywide survey of cultural and architectural resources in Walpole and to identify contexts for national Register evaluation and to apply the national register criteria to all resources identified.

MOTION moved by Mr. Timson that we authorize the Town Administrator to sign the contract with Kathleen Kelly Broomer for an amount not to exceed fifteen thousand dollars, seconded by Mr. Caron, VOTED 5-0-0

Fall Town Meeting Articles

Fall Town meeting begins on October 15<sup>th</sup>. There are only 10 Articles on the warrant.

Article 1 There will be two presentations under Article 1.

Article 2 Part is employee fringe benefits from the School department hiring.

MOTION moved by Mr. Timson that we recommend Favorable Action for article 2, \$27,675, from taxation, seconded by Mr. Caron, VOTED 5-0-0

Article 3

No action, we have no intention to transfer any funds.

MOTION moved by Mr. Timson that the Board recommend no Action on article #3, seconded by Mr. Caron, VOTED 5-0-0

Article 4

This money is coming from the school reimbursement program.

MOTION moved by Mr. Timson to recommend Favorable Action on Article 4 in the amount of \$754,329 from free cash, seconded by Mr. Caron, VOTED 5-0-0

Article 5

This is the annual Medicare reimbursement. The amount is transferred from Free Cash to the School budget

MOTION moved by Mr. Timson to recommend Favorable Action on article 5, \$623,479, seconded by Mr. Caron, VOTED 5-0-0

10-3 Pine Brook Estates, Passbook Agreement

The Board had sent out notice to the residents of Pine Brook Estates. Don Johnson explained that it is an agreement drafted by Town counsel. The passbook specifies that if the developer does not complete the work the town can pull the money and complete.

Mr. James Johnson explained there is \$103,300 remaining in the bond. We are looking at \$240,000 to bring the road back up to standards.

Mr. Don Johnson explained that the idea is to get the money and we can work on the rest from there. We have the agreement that the Planning board approved.

Mr. James Johnson explained there are 18 homes in this subdivision and the question is how you make up the difference in the cost to complete the roadways. You can either do a betterment or we can go to the Town and ask them to accept and appropriate it out of free cash. Tonight we are just here to sign the agreement.

Mr. Don Johnson explained that we want to get control of the money.

Mr. Timson noted that as we understand it the developer went belly up and is no longer doing business, this money was in a passbook. It is not enough money to do the road correctly. Because there are releases we wanted to let the neighbors know what is going on. In order to get the money, this is the agreement we have to sign. This is the right thing to do.

Mark Good, I think we should know that both the developer and the bank have not necessarily agreed to this, we do not know what the outcome is going to be. We have to approach Mr. Werden and bank to see if they will agree. It is not definite.

Peter Sougarides of 8 Starlight Drive reported that many of the residents have been dealing with this for years. He has spoken to Gary Werden the developer, many times. The bank was not willing to release the funds; he is not willing to sign unless he receives a release from the Town. The town has now reached a point that he is not coming back. He may come back and sign. I can track down Mr. Werden and see if he is willing to come to the table for an agreement.

The road is in need of repair. I would not like to see an increase in my tax bill to fix the road. I would want to at least be involved in the discussion of repairing the road. The money that is sitting there is in a passbook account. Maybe there can be some dialogue.

Mr. Timson explained that is why the Board invited the residents, they do not want people to come to us later and ask why we did this.

Mr. Sougarides asked if this is the Planning Board issue. Mr. DeNapoli stated that once the funds go in the treasurer it is an administrative issue. Mr. DeNapoli had reviewed the agreement and noted that the town would not release responsibilities to the order of conditions. We will see if Mr. Werden will agree to this.

Roger Forman of 16 Starlight Drive understands that the Board is deciding whether or not to agree with getting the money. My issue, I find fault with the town for not holding the right amount of money in the bond. The Town should have held the proper amount. I am in agreement with the course of action for getting control of the money, where the shortfall is coming from he is not.

Mr. DeNapoli explained there are 2 parts to the process. Mr. Werden is not coming back to finish the work. We need to obtain the funds. The next issue is how we are going to finish the work.

Roger Forman wants to understand where the shortfall is coming from. You are asking us if we agree to release him from responsibility. Mr. Forman believes that the town as a whole is responsible.

Mr. DeNapoli explained that the worst situation is an assessment on the residents.

Roger Forman, the part of releasing him from liability is the only way to get the money, but we would like to be given notice to address the issue of where the remaining funds are coming from.

Ms. Winston asked when was Starlight drive built? Ms. Walker stated that it was built about 10 years. The developer can ask for a bond when he is ready to sell homes. He does a certain amount of work, he can ask for a reduction for the work he has done. If he had finished the work from when he stopped there probably would have been enough money. We looked at what it would take to make the road complete.

Bradley Niziak of 32 Old town Road explained there is an issue as to who is at fault, who is responsible, in terms of that shortfall. I do not think we as neighbors should be asked to pay for that mistake. Felt it was the Planning board for not requiring enough funds and Mr. Werden for living up to his obligations. To ask the residents to make up the difference that is \$ 6-\$7000. We are already paying \$8-\$10,000 in taxes; to ask us to make up the difference is no acceptable.

Mr. DeNapoli stated that there will be discussions. Mr. Niziak noted that in the letter mailed to the residents it does not say the residents would have to make up the shortfall. I am not satisfied as to how the amount was established in setting the bond. There is a shortfall.

Mr. DeNapoli explained the cost of fixing the road is 10 years of deterioration, and costs have increased. I do not think we can say that the Planning Board asked for insufficient funds.

Ms. Winston is not sure if anyone is at fault, the money was probably fair. There is a third option, you take the money and put in escrow account and repair as needed, Mr. Werden and the homeowners had an agreement and trust. The residents also purchased the homes, he had promises that he did not keep to you either.

Mr. Timson explained the question as to whether the town picks up the cost, is not up to this board, it is up to Town Meeting. We do not make that decision. Do we want to get the money to help the cause to get this road up to snuff and release Mr. Werden? We want to try to get this money and enter into this agreement. We can not decide that tonight.

Mr. Niziak stated the residents would like to hear the complete approach but the shortfall will be made up by this method. I think it would be helpful, if discussions were held as to the complete resolution.

MOTION moved by Mr. Timson to assent to the agreement and authorize our Chairman to sign, seconded by Mr. Caron, VOTED 5-0-0

#### OPEN FORUM

Rachel Mulligan of 50 Rustic Road appeared at Open Forum to express her concern over traffic on Rustic Road. She explained that she and her husband have been going to Planning Board meetings regarding the Walpole Mall and are concerned with the traffic. Mr. Johnson stated that the town has issued 23 violations on Rustic Road; the chief will pick up patrol in that area. Ms. Mulligan explained the issue is speeding and certain times of the day the road is suppose to be one way. No one pays attention to the signs. She has a small child and she is very concerned.

Mr. Johnson reminded the Board we do have the new speed trailer, I can ask the Chief to put it up there too.

Sherry Savello, lives on the top of Rustic road and does not think having an officer there is a solution, I have seen a cop maybe 3 times. My other concern is the expansion of the mall. They want to move the entrance back from where it is closer to Rustic Road. People use Rustic road as a bypass to Route one. It is a long narrow dark road. Maybe a sidewalk would be helpful. Putting up a new sign is not going to work.

Mr. Timson stated that if a sidewalk would be an assistance, you maybe able to approach the Planning Board as part mitigation for the decision of the Walpole Mall.

#### 10-4 9:30 p.m. Public hearing, AMR Auto Holdings, Class I License

MOTION moved by Mr. Caron to open the public hearing for the Class I license, seconded by Mr. Timson, VOTED 5-0-0

Matthew McGovern appeared before the Board to discuss the purchase of the Clair dealership. We have enjoyed a great reputation. Looking forward to having continued success in the Walpole area.

Mr. DeNapoli asked if they are you going to continue the current operation? Mr. McGovern stated there maybe some different advertising.

Mr. Timson noted there is a letter from Jack Mee. Mr. Mee writes that he ran noise tests. We want to make sure that the new owners abide by the Zoning Board decision and keep the noise levels down.

Marilyn Norton, Killeen road. One thing I would like to address, the garage doors are suppose to open to let the cars in for repairs and than close. For some reason my buffer zone has been looked at and they did not know where the buffer zone is. I would like to put together some correspondence as to what has and what has not happened. I was told by the Attorney that it was to be status quo. Do they abide by the laws or not?

Mr. Ielapi of 11 Killeen road, referenced Mr. Mee's comments regarding the sound levels. He would have to look at the equipment. I was the one who got the letter back from Mr. Mee. I have done sound testing. There is a long list of things. They cut down 8-10 trees that they were not suppose too. My concern is the noise level. I will have a sound survey done. I would like to speak to Mr. Mee about his equipment.

Mr. Caron stated that without asking the new owners for anything yet. Having been down to the new Lexus dealership, the doors close quickly. The prospective owner is here and we can ask him to look into this. Mr. Ielapi stated they are looking for quality

of life issue. My understanding is there is no air conditioning in those bays. We would like some peace and quiet. Being a good neighbor.

Mr. Sullivan stated that he lived on that road for 11 years and understands. We are looking for some consideration.

Martha Doucette of 9 Killeen road explained at the last 3 Zoning Board meetings he has been told to keep the doors closed. The ZBA at least 3 times, he has promised to do this. The other concern I have is the hours of operation. The doors open at 6 a.m. and as late as 11 p.m. If they closed the doors like they are suppose to, you would not hear that noise.

Mr. McGovern, the doors are open because the garage is not air conditioned. We hope at some point to update the facility.

MOTION moved by Mr. Caron to close the hearing, seconded by Mr. Timson, VOTED 5-0-0

MOTION moved by Mr. Timson that we approve the Class I license to AMR auto holdings AC LLC for 103 Boston Providence Highway on Assessor's Parcel 29-10, seconded by Mr. Caron, VOTED 5-0-0

Fall Town Meeting Articles contd.

#### Article 6

MOTION moved by Mr. Timson to recommend Favorable Action on article 6, seconded by Mr. Caron VOTED 4-0-1 (CW abstained)

#### Article 7

This is for repairs to the Deacon Willard Lewis house and for some of the schools.

MOTION moved by Mr. Timson to recommend Favorable Action for article 7, seconded by Mr. Caron, VOTED 5-0-0

#### Article 8

Michael tried to get Trans Canada to drop this bill as they did not send it to us for the payment in the correct fiscal year. We did use the electricity, so it is \$3,200 to pay them.

MOTION moved by Mr. Timson to recommend Favorable action in the amount of \$3,200 to pay Trans Canada from free cash, seconded by Mr. Caron, VOTED 5-0-0

#### Article 9

MOTION moved by Mr. Timson to recommend No Action on article 9, seconded by Mr. Caron, VOTED 5-0-0

#### Article 10, Rezoning

Ms. Winston had received a phone call this week from a resident who felt that this was a sweet deal for Mr. Zarba. Mr. Zarba approached the town and asked them to sell it. We had an appraisal done and then we opened the bid process. We received one bid. Was the Sharon Country Day aware of the bid? Mr. Zarba was the only one to purchase. Now we have a piece of property where he is going to tear down a building and construct a new one. It will generate tax revenue.

Mr. DeNapoli felt that some of the neighbors were satisfied with the buffer.

Mr. Timson stated that if we knew the property was going to be rezoned, we put restrictions on the deed, maybe we would have looked for more money. Like any developer, we made a deal that was on the table at the time.

Mr. DeNapoli felt the town will get a lot back for this. He will be fixing up the site and increasing tax revenue.

We did have it appraised it and we set the minimum bid at \$135,000.

MOTION moved by Mr. Timson to recommend Favorable Action on Article 10, seconded by Mr. Caron, VOTED 5-0-0

Assistant Town Administrator, Update

The Council on Aging's new van is coming in.

The High School field is looking great; the rain has set them back a bit.

The next meeting is on October 23, 2007.

Mr. DeNapoli, maybe the Board can recognize the group with a proclamation. It has all been a volunteer effort.

Mr. Caron stated this has been great it has not cost the town any money.

MOTION moved by Mr. Timson to adjourn at 10:05 p.m. seconded by Mr. Caron, VOTED 5-0-0

Respectfully submitted,

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Michael F. Caron, Clerk